

**BEFORE THE PLANNING
COMMISSION FOR
THE CITY OF BEAVERTON,
OREGON**

After recording return to:
City of Beaverton, City Recorder:
4755 SW Griffith Drive
P.O. Box 4755
Beaverton, OR 97076

IN THE MATTER OF A REQUEST FOR) ORDER NO. 1785
APPROVAL OF A TREE PLAN TWO FOR) TP2004-0018 ORDER APPROVING REQUEST
REMOVAL OF APPROXIMATELY 50 TREES) WITH CONDITION.
FOR THE DEVELOPMENT (GARDEN GROVE))
PLANNED UNITE DEVELOPMENT). CES-)
NW, APPLICANT.)

The matter came before the Planning Commission on January 5, and on February 16, 2005, on a request for approval of a Tree Plan Two requesting the removal of approximately 50 trees for the development of the project. There are no significant or historical trees on the site. The proposal is applicable to a project site located on the 6600 block of SW Canby Street, and is more specifically identified as Tax Lot 301 on Washington County Tax Assessor's Map 1S1-24DA. The zoning map designation for this property is Residential Urban Standard Density (R-7), and the project site totals approximately 2.78 acres.

Pursuant to Ordinance 2050 (Development Code) Sections 50.15.2 and 50.45, the Planning Commission conducted a public hearing and considered testimony and exhibits on the subject proposal. At the January 5, 2005 hearing, staff had recommended Denial of the CU/PUD and LD applications

due to the applicant's proposal not meeting the 20 percent open space requirement of the Code. At the January 5, 2005 hearing the applicant requested a continuance and so that the applicant could consider the Commission's concerns and revise the PUD and Subdivision layout. The Commission set a public hearing for February 16, 2005, with the applicant agreeing to a waiver of the 120 day decision deadline, accommodating the 42 day continuance for all applications, including the Tree Plan request.

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated January 5, 2005, and Staff Memorandum dated February 9, 2005, and the findings contained herein, as applicable to the approval criteria contained in Sections 40.03 and 40.90.15.2.C of the Development Code.

Therefore, **IT IS HEREBY ORDERED** that **TP 2004-0018** is **APPROVED**, based on the testimony, reports and exhibits, and evidence presented during the public hearings on the matter and based on the facts, findings, and conclusions found in the Staff Report dated January 5, 2005, and Staff Memorandum dated February 9, 2005, subject to Conditions of Approval, as follows:

Prior to issuance of the site development permit, the applicant shall:

1. Ensure that Tree Plan approval has not expired. In accordance with Section 50.90.1 of the Development Code, Tree Plan approval shall expire after two (2) years from the date of approval unless prior to that time a construction permit has been issued and substantial construction pursuant thereto has taken place, or an application for extension is filed pursuant to Section 50.93, or that authorized development has otherwise commenced in accordance with Section 50.90.3.B. (CDD / AJC)

2. The following trees shall be illustrated as to be preserved on the Site Development Permit: four 8-inch trees located along the western property line of proposed lot 10 as identified on the Tree Preservation Plan (Sheet 2A of 6) in Exhibit 3. (CDD / AJC)
3. Illustrate on the site development plan, the location of all trees approved for retention, the root zone of the trees, and the location of tree protection fencing. (CDD / AJC)

During the Site Development phase of the project, the applicant shall:

4. Ensure that all tree removal and tree preservation shall be conducted in accordance with the American National Standards Institute (ANSI) A300-1995 standards and International Society of Arborists (ISA) standards. (CDD / AJC)
5. Ensure that a construction fence remains around all trees approved for retention. The fence shall be placed no closer than the edge of the root zone. The fence shall meet the following standards:
 - Fencing shall consist of, at a minimum, a four foot (4') high orange plastic or snow fence, secured to six foot (6') tall metal posts, driven two feet (2') into the ground. Heavy gauge 12 wire shall be attached to the top and midpoint of each post. (CDD / AJC)
 - If the development cannot meet the above standards, then other City approved protection devices maybe used, provided that equal or greater protection will be achieved. (CDD / AJC)
6. Ensure that a certified arborist is on site during times of construction when community trees are being removed or construction is taking place within 5 feet of tree root zones of trees approved for preservation, in order to minimize potential construction damage. (CDD / AJC)
7. Ensure that no development shall take place within the protected root zone of trees which are approved for retention. Development includes, but is limited to:
 - New Buildings
 - Grade change or cut and fill during or after construction
 - New impervious surfaces
 - Trenching for utilities, irrigation, or drainage
 - Staging or storage of materials and equipment during construction
 - Vehicle maneuvering during construction
 - Any activity deemed by the City to be harmful to trees or roots within the construction site. (CDD / AJC)

Prior to the issuance of any building permit, the applicant shall, for every individual lot:

8. Ensure that a construction fence remains around all trees approved for retention. The fence shall be placed no closer than the edge of the root zone. The fence shall meet the following standards:
 - Fencing shall consist of, at a minimum, a four foot (4') high orange plastic or snow fence, secured to six foot (6') tall metal posts, driven two feet (2') into the ground. Heavy gauge 12 wire shall be attached to the top and midpoint of each post. (CDD / AJC)
 - If the development cannot meet the above standards, then other City approved protection devices maybe used, provided that equal or greater protection will be achieved. (CDD / AJC)
9. Ensure that a certified arborist is on site during times of construction when community trees are being removed or construction is taking place within 5 feet of tree root zones of trees approved for preservation to minimize potential construction damage. (CDD / AJC)

Prior to final inspection of any building permit or issuance of any certificates of occupancy from the City Building Official, the applicant shall:

10. Ensure that all activity associated with construction are carried out consistent with the tree plans marked Exhibit 3. (CDD / AJC)

Motion **CARRIED**, by the following vote:

AYES: Pogue, Bliss, Barnard, DeHarpport, Maks, Winter, and Johansen.

NAYS: None

ABSTAIN: None.

ABSENT: None.

Dated this _____ day of _____, 2005.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 1785 an appeal must be filed with the City of Beaverton Recorder's Office by no later than 5:00 p.m. on _____, 2005.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:

APPROVED:

JOHN OSTERBERG
Senior Planner

ERIC H. JOHANSEN
Chairman

STEVEN A. SPARKS, AICP
Development Services Manager